



File Code: 1300/2350-5/7700

Date: MAR 31 2010

Ms. Sylvia Milligan  
Recreation Outdoors Coalition  
4000 Beacon Drive  
Anderson, CA 96007

Dear Ms. Milligan,

This letter is in response to your Data Challenge Request, dated February 1, 2010, and which was received by this office via email on February 2, 2010. You questioned the accuracy of the information contained in the engineering reports for advising proposed decisions to designate roads for motorized mixed use in the "Motorized Travel Management Final Environmental Impact Statement" (FEIS) and Decision Notice for the Lassen National Forest dated December 14, 2009.

The panel selected to review this Data Challenge concluded the reports meet the requirements of the Data Quality Act pertaining to utility and transparency as well as objectivity and quality. Therefore, we have found no reason to correct the information. In support of this finding, I offer the following explanation.

The references to law, regulations, and policy in your challenge request are not necessarily accurate. For example, definitions applicable to National Forest System (NFS) roads, including the definition "Forest Highway", are found in Section 101 of Title 23 of the United States Code, Section 212.1 of Title 36 of the Code of Federal Regulations (36 CFR 212.1), and Forest Service Manual (FSM), Section 7705. State traffic laws are applicable on NFS roads under regulations at 36 CFR 212.5a. Policies regarding motorized mixed use of NFS roads are found in FSM Section 7715.77 and Forest Service Handbook (FSH) 7709.55 Chapter 30. Policies about maintenance levels and their application on NFS roads are found in FSH 7709.59 Chapter 60 Sections 62.3 and 63.41.

I agree, the USDA guidelines require us to strive to ensure and maximize the quality, objectivity, utility, and integrity of the information that is disseminated to the public. However, these guidelines neither require decisions be delayed to collect data that does not exist nor do they prohibit use of professional judgment to advise decisions that must be made in such situations.

For example, FSM 7715.77 contains the following policy about engineering analysis to foster decisions on proposals for motorized mixed use:

*4. Where the responsible official proposes to depart from state traffic law or change current travel management direction by authorizing motorized mixed use where it would otherwise be prohibited, that decision must be advised by documented engineering analysis conducted by a qualified engineer.*

*5. Decisions on motorized mixed use, like other travel management decisions, are the responsibility of the responsible official. The role of the qualified engineer is to analyze information on the road and road use and to recommend mitigation of safety risks.*



